

EXPLANATION OF COMMISSION DETERMINATIONS ON ADEQUACY

in

Iron Metal Castings from India, Inv. No. 303-TA-13 (Review)
Heavy Iron Construction Castings from Brazil, Inv. No. 701-TA-249 (Review)
Iron Construction Castings from Brazil, Canada, and China,
Inv. Nos. 731-TA-262, 263, and 265 (Review)

On February 4, 1999, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)(5)). The Commission, in consultation with the Department of Commerce, grouped these reviews because they involve similar domestic like products. *See* 19 U.S.C. § 1675(c)(5)(D); 63 *Fed. Reg.* 29372, 29374 (May 29, 1998).

***Iron Metal Castings from India*, Inv. No. 303-TA-13 (Review)**

With regard to *Iron Metal Castings from India*, Inv. No. 303-TA-13 (Review), the Commission determined that both domestic and respondent interested party group responses to its notice of institution were adequate and voted to conduct a full review. Regarding domestic interested parties, the Commission received a response from an association on behalf of its ten members who account for most U.S. domestic production of subject products. Regarding respondent interested parties, the Commission received a response from an association of Indian exporters and individual responses from 12 Indian producers/exporters that account for nearly all subject imports.¹

¹ Commissioner Crawford concurs with the Commission's decision to conduct a full review with regard to *Iron Metal Castings from India*. However, she notes that in these reviews, the Commission received one domestic interested party response filed by the Municipal Castings Fair Trade Council ("MCFTC"). The MCFTC filed on behalf of itself and its membership, which includes ten individual domestic producers. In the *India* review, one joint respondent interested party response was submitted by the Engineering Export Promotion Council ("EEPC") of India which filed on its own behalf and its 16 member companies. In Commissioner Crawford's view, and as discussed in her statement accompanying the decision to conduct a full review in *Roller Chain from Japan*, Inv. No. AA1921-111 (Review), the response of a trade association on behalf of some or all of its members raises questions about whether the Commission may use such a response in lieu of individual producer responses to assess the degree of interest among key interested parties, the producers.

Commissioner Crawford further notes that in the current reviews, the MCFTC response specifically indicated that its member companies were willing to participate in the five-year reviews by providing information requested by the Commission. Moreover, the EEPC response in the *India* review included a submission on behalf of the EEPC, as well as individual submissions from most, but not all, of its 16 members. In Commissioner Crawford's view, although general statements regarding members' intentions represent a good faith effort to furnish the Commission

Heavy Iron Construction Castings from Brazil, Inv. No. 701-TA-249 (Review), and Iron Construction Castings from Brazil, Canada, and China, Inv. Nos. 731-TA-262, 263, and 265 (Review)

With regard to *Heavy Iron Construction Castings from Brazil*, Inv. No. 701-TA-249 (Review) and *Iron Construction Castings from Brazil, Canada, and China*, Inv. Nos. 731-TA-262, 263, and 265 (Review), the Commission determined that the domestic interested party group response was adequate. Because no respondent interested party responded to the notice of institution, the Commission determined that the respondent interested party group response was inadequate. The Commission further determined to conduct full reviews, because conducting full reviews would promote administrative efficiency in light of the Commission's decision to conduct a full review with respect to *Iron Metal Castings from India*.² See 63 Fed. Reg. 30599, 30604 (June 5, 1998).

A record of the Commissioners' votes is available from the Office of the Secretary and at the Commission's web site.

with the information it is seeking while providing at least a minimal level of transparency, it is not equivalent to separate responses by interested parties. At a minimum, members should provide brief separate statements or affidavits, either separately or attached to their joint submission. Such statements should indicate their individual willingness to participate in the Commission review process and to submit information requested by the Commission throughout the review process so that the Commission may more directly assess the level of interest of these individual interested parties. Short of this, Commissioner Crawford will continue to view these jointly filed responses with less weight.

² Commissioner Crawford dissenting.